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9 Attorneys for Defendant RAMESH BALWANI

10 DAVIS WRIGHT TREMAINE LLP

11 IN THE UNITED STATES DISTRICT COURT
12 THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA,

Case No. cr-18-00258-EJD

15 Plaintiff,

**DECLARATION OF STEPHEN A.
CAZARES IN SUPPORT OF MR.
BALWANI'S REPLY IN SUPPORT OF
DEFENDANTS' MOTION TO COMPEL
DISCOVERY AND BRADY MATERIALS**

16 v.

17 ELIZABETH A. HOLMES and
18 RAMESH "SUNNY" BALWANI,

19 Defendants.

Date: June 28, 2019

Time: 10 a.m.

CTRM: 4

20 Hon. Edward J. Davila

1 I, Stephen A. Cazares, declare as follows:

2 1. I am a partner with the law firm of Davis Wright Tremaine LLP and am an
3 attorney defending Ramesh Balwani in this matter and in the SEC matter. I make this
4 declaration in support of Mr. Balwani's Reply in Support of Defendants' Motion to Compel
5 Discovery and Brady Materials.

6 2. Attached as Exhibit A is a true and correct copy of a letter from Jeffrey
7 Coopersmith, my partner at Davis Wright Tremaine, to Rebecca Falk, an Assistant United States
8 Attorney representing both the FDA and CMS, dated February 14, 2019.

9 3. In response to the subpoenas served by Mr. Balwani on FDA and CMS, the
10 agencies have directly produced to Mr. Balwani a total of 161 documents. CMS produced 43 of
11 these documents, and FDA produced 118 documents.

12 4. Attached as Exhibit B is a true and correct copy of an email conversation between
13 Ms. Falk and Mr. Coopersmith, dated between April 2 and April 17, 2019.

14 5. Attached as Exhibit C is a true and correct copy of an email conversation between
15 Ms. Falk and myself, dated between May 31 and June 3, 2019.

16 6. Attached as Exhibit D is a true and correct copy of an email conversation between
17 Ms. Falk and myself, dated between June 14 and 17, 2019.

18 7. Attached as Exhibit E is a true and correct copy of an email conversation between
19 Claire Cormier, an Assistant United States Attorney representing both the FDA and CMS, Mr.
20 Coopersmith, and myself, dated between June 14 and 21, 2019.

21 8. Attached as Exhibit F is a true and correct copy of a letter from Laura Draski,
22 representing the FDA, to Mr. Coopersmith, dated March 22, 2019.

23 9. The FDA produced documents to the SEC and/or DOJ during their investigations
24 into this matter, which were subsequently produced to Mr. Balwani. Those productions include
25 some internal FDA communications.

26 10. Attached as Exhibit G is a true and correct copy of a letter from Lindsey Turner,
27 representing CMS, to Mr. Coopersmith, dated September 27, 2018.

1 11. On a June 29, 2019 telephone conference, counsel for the California Department
2 of Public Health (“CDPH”) confirmed to me that CDPH’s 2013 CLIA survey of Theranos was a
3 CMS survey and all records related to the 2013 CLIA survey are CMS records.

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5 Executed this 24th day of June, 2019 at Los Angeles, California.

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/s/ Stephen A. Cazares

7 Stephen A. Cazares

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